

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, August 10, 1999
Tuesday, 9:05 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Gale, Lambke, Martz, Pisciotte, Rogers; present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

The invocation was given by Rev. Matthew Friesen, Hope Mennonite Church.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

HARVEY COUNTY AD HOC COMMITTEE - PROTECTION OF EQUUS BEDS.

Mayor Knight Mayor Knight said the Council, on August 3, 1999, had appointed Jack Brown, Environmental Health, to the Committee and that he would like to have Council Member Martz and County Commissioner McGinn included in some fashion to reflect the partnership between the City of Wichita and Sedgwick County. This should be included in the August 3, 1999, Minutes.

Minutes -- approved The minutes of the regular meeting of August 3, 1999, as amended, were approved 7 to 0.

AWARDS AND PRESENTATIONS

VISITOR RECOGNITION Visiting Russian police officers were recognized.

PROCLAMATIONS Mayor Knight expressed regret regarding an error in a proclamation, awarded on August 3, 1999, that included misinformation regarding juvenile crime rates in Wichita. The crime rate has been reduced dramatically over the last several years as a result of Police and citizen effort and involvement.

NEW BUSINESS

JR CUSTOM METAL **PUBLIC HEARING AND TAX EXEMPTION REQUEST – JR CUSTOM METAL PRODUCTS INC.**
(District IV)

Allen Bell Financial Projects Director reviewed the Item.

Agenda Report No. 99-763.

On August 12, 1997, City Council approved a tax exemption under the authority of the constitutional amendment for JR Custom, a manufacturer of metal fabricated products and equipment, located at 1957 N. Mosley in north-central Wichita. The tax exemption was requested in conjunction with a proposed expansion project consisting of the construction of office and manufacturing space and the purchase of new machinery and equipment. Prior to constructing the new space, JR Custom has determined that expansion at the North Mosley site is not feasible and has decided to relocate the business to a site at the intersection of West Street and K-42 Highway in southwest Wichita.

JR Custom is now requesting an Economic Development Tax Exemption in conjunction with an additional expansion of their current manufacturing facility at West Street and K-42 Highway.

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JR Custom was established in 1974 and has experienced sustained growth since inception of the business. JR Custom designs, manufactures, modifies, and repairs high precision custom metal products. JR Custom products are designed primarily for the agricultural, general construction, and aviation industries. JR Custom focuses its manufacturing capacity primarily on custom and specialty metal designs.

JR Custom currently has over 100 employees and expects to add at least 19 new employees over the next 5 years as a result of the expansion project. The new \$857,000 expansion project will consist of the construction of a 7,000 s.f. sand blasting building on the existing site and acquisition of certain new manufacturing equipment. The expansion project is reflected in Exhibit I attached hereto. Under the City's Business Incentives Policy, JR Custom is eligible for the following:

TAX EXEMPTION ELIGIBILITY

<u>ELIGIBLE %</u>	<u>INCENTIVE</u>	<u>EXPLANATION</u>
34.00%	New Job Creation:	JR Custom will add at least 19 new full-time jobs.
14.25%	Capital Improvements:	JR Custom will invest approximately \$857,000
48.25%	Total Business Incentives	
48.25%	TOTAL ELIGIBLE - BUSINESS INCENTIVES (Max. allowed is 50%)	
45.00%	Export Premium:	JR Custom exports 90% of its product outside Kansas.
45.00%	TOTAL ELIGIBLE FOR EXPORT PREMIUM (Maximum allowed is 50%)	
93.25%	TOTAL EXEMPTION ALLOWED UNDER BUSINESS INCENTIVE POLICY	

JR Custom is eligible for a 93.25% tax exemption for five years on real and personal property and a 46.62% exemption on real property for a second five years, based on City Council review. A notice of public hearing has been published. JR Custom will maintain a City of Wichita approved EEO/AA Plan for the full term of the Tax Exemption.

The estimated first year taxes on JR Custom's proposed \$857,000 project under the 1999 mill levy on property within the Wichita City limits would be \$20,154. The existing building and personal property will stay on the property tax rolls. The tax exemption will be shared among the taxing entities as follows: City - \$6,290; County/State - \$6,279; and USD 259 - \$7,585. Wichita State University Center for Economic Development and Business Research calculated a cost-benefit-analysis indicating benefit-to-cost ratios of 1.82 for the City of Wichita; 2.12 for Sedgwick County; 1.02 for USD 259 and 2.19 for the State of Kansas.

Council Member Rogers Council Member Rogers asked that, in the future, agenda reports (for repeat requests) show compliance with the initial conditions on employment, investment, etc., including as it pertains to minority-owned and women-owned business involvement.

Mayor Knight Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion -- Gale moved that the public hearing be closed; the tax exemption requests be granted; and the Ordinance be
-- carried placed on first reading.. Motion carried 7 to 0.

ORDINANCE

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of JR Custom Metal Products, Inc., so exempted, introduced and under the rules laid over.

MUNICIPAL ELECTRIC UTILITY RESOLUTION RESOLUTION AUTHORIZING THE CITY MANAGER TO EXAMINE THE CREATION OF A MUNICIPAL ELECTRIC UTILITY.

Agenda Report No.99-763.

The Mayor and the City Council made a commitment to reduce the cost of electric service in Wichita. Significant success has been achieved in reducing the rate disparity between the KGE service territory compared to the KPL service territory of Western Resources, but rate parity has not yet been achieved. The City is continuing its efforts to pursue relief through the state and federal approval processes relative to the proposed merger of Western Resources with KCPL.

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In order to better serve the citizens, the City Council deemed it appropriate to have the City Manager conduct a study of the feasibility for the City of Wichita to create a municipal electric utility and make recommendations to the City Council as to how the City should proceed. The Council has designated Council Member Pisciotte to serve as its liaison with such project.

The City Manager will assemble a study group of City staff, knowledgeable citizens and experts for purposes of the review as deemed necessary. The study group will provide information to the City Manager to assist in the review.

The City Council desires to place Western Resources/Kansas Gas and Electric on notice that there will be a review of the feasibility of creating a municipal electric utility.

A significant aspect of the review will be to identify the financial resources necessary to accomplish the identified activities and present recommendations to the City Council as part of the City Manager's report.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion -- carried

Knight moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-296

A Resolution of the governing body of the City of Wichita authorizing the City Manager to examine the feasibility of creating a municipal electrical utility. moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

1999-2000 BUDGETS

PUBLIC HEARING - 2000 ANNUAL OPERATING BUDGET AND REVISIONS TO THE 1999 BUDGET.

Ray Trail

Director of Finance reviewed the Item.

Agenda Report No. 99-764.

The City Council has received public comments and held workshops on the proposed 2000/2001 budgets. On July 27, 1999, the City Council authorized the publication of the hearing notices, and set the maximum mill levy for the 2000 City budgets.

2000 Operating Budget. The proposed 2000 annual operating budget has been published at \$301,235,830. Interfund transactions and appropriated fund balances increase this amount to \$364,996,201. The inclusion of the expendable trust funds, as required by State Law, is an additional \$78,868,930 for a total of \$443,865,131. As published, the budget will necessitate a mill levy of 31.253, no change from the levy requirement for the 1999 adopted budget.

The General Fund property tax levy is \$40,553,720 (including a delinquency allowance) at an estimated 21.251 mills. The levy for the Debt Service Fund is \$19,087,020 (including a delinquency allowance) and is estimated at 10.002 mills.

Jointly Funded Budgets. The General Fund includes City of Wichita contributions to the jointly funded City-County budgets, as identified in the table below. Amounts identified for City-County Community Health are increased a total of not-to-exceed \$185,080 from the published document -- \$111,050 for the City and \$74,030 for the County -- in order to absorb funding for eight positions previously funded through grants. Sedgwick County officials has concurred with this adjustment.

	<u>City Share</u>	<u>County Share</u>	<u>Revenue</u>	<u>Total</u>
Flood Control	659,930	659,920	0	1,319,850
Community Health	2,541,490	1,694,330	392,680	4,628,500
Metropolitan Area Planning	550,240	550,250	279,700	1,380,190

It is necessary for the City Council to approve joint agreements to continue these functions. The County Commission is expected to likewise approve the County share of these functions.

Fee Changes. The 1999 budget proposed budget assumes the following actions with respect to fees:
--A water rate increase of 5% will be required in 2000 to fund capital expenditures of the utility.

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--A sewer rate increase of 5% will be required in 2000 to fund capital expenditures of the utility.

--An increase of 6? (from \$1.21 to \$1.27) in the Storm Water Utility equivalent residential units (ERU) rate is required to sustain the "hot spots" program.

1999 Revised Budget. Some revisions in the 1999 budget are proposed. Increased expenditure authorizations are needed for eight funds. All revisions have been incorporated into the proposed 2000/2001 budget document as "1999 revised" amounts.

1. The Debt Service Fund (DSF) is increased \$8,339,080. Temporary note financing was increased to provide expenditure authority for several capital projects included in the adopted Capital Improvement Program (CIP) but not yet incorporated in the DSF.
2. The Convention and Tourism Fund is being amended \$697,380, increasing expenditures for Century II/Expo Hall renovations and retaining the flexibility to use expected revenue from the transient guest tax.
3. The Special Parks and Recreation Fund is increased \$159,700. This fund, required by law, provides an annual transfer from private club liquor tax receipts into the City's General Fund. Resources were greater than anticipated, allowing for a larger amount to be transferred.
4. The Storm Water Utility Fund is increased \$1,681,900 to finance major rehabilitation of pump station number one, to share in the expense of updating FEMA maps which identify the 100 year flood plain, to increase the reserve, and to allow transfers to the "hot spots" program and other capital projects.
5. The Golf Course Fund is amended by \$146,710 to absorb expenses from flood damages and to take advantage in the current year of favorable pricing for heavily used commodities.
6. The Data Center Fund is amended \$734,940 – adding an additional \$200,000 for the equipment replacement reserve – to fund initiatives including: developing internet applications, implementing optical imaging, expanding GIS, extension of the network to remote sites, Y2K solutions, and transitioning to a uniform office automation environment.
7. The Telecommunications Fund is increased \$37,690 for capital outlay items related to the new phone system and to increase the contingency reserve.
8. The Self-Insurance Fund is increased \$544,570 to pay for increased health insurance costs resulting from higher utilization.

The Proposed Budget requires no property tax increase; the City's 31.253 mill tax levy will remain the same. The 2000 General Fund budget is balanced with no requirement to draw down reserves. The Public Safety Initiative, which added 112 police officers and other support staff, is enlarged to include a 20-member School Resource Officer corps and is fully funded even while absorbing the decline of federal grant funding. Contract funding and additional maintenance personnel are included to enhance streets, parks, and facilities maintenance. Positions are added in Library and Park to proactively involve community youth in literacy and recreational enrichment programs. The importance of museums, arts, and other facilities to the quality of life in Wichita are recognized with funding increases for capital and operational support.

Publication of the notice of formal hearing on July 30 set the maximum dollars that may be expended in each fund. The City Council may reduce expenditures required (and proposed tax dollars to be levied) but not increase expenditures previously established.

Publication requirements of State law for the final (formal) public hearing have been met. Appropriate disclosure is included within the ordinance of property tax increases not related to assessed value added by improvements, appreciating personality and/or annexation. Following final Council action on the proposed budget, proper certification will be made of the property taxes to be levied in conformity with State law.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Wes Galyon

Wes Galyon, WABA, said the original thought was that the study OCI was sharing in the cost of was in regard to recent flooding, instead, it to be an assemblage of data regarding improvements already made which will result in new FEMA maps.

It is not appropriate to access part of the this study to the OCI Fund.

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- Karl Peterjohn Karl Peterjohn, Executive Director of Kansas Taxpayers Network, said the City should be committed to elimination of property tax. With the higher appraisals, the City should make a commitment to leave taxes under the tax limit and reduce taxes by one mill.
- Mayor Knight Mayor Knight said the Homebuilders are, many times, part of the solution to problems facing the City. What the Homebuilders say is valuable. Mayor Knight said he would rather have the City Manager, Superintendent of OCI, and Wes Galyon get together to figure out how the study will be funded.
- Motion -- Pisciotte moved that, with regard to the Item for Community Information, the notion of the technology needed for interaction with the citizens in the community be specifically addressed, perhaps as a "24-Hour City Hall." If these kinds of funds can be used to enhance the City's web page and allow citizens to interact with the City Hall on a 24-hour basis, this matter be referred back to the City Manager. Motion carried 7 to 0.
- carried
- Motion -- Pisciotte moved that the Mounted Police request for funds to refurbish or otherwise modify the facility at Furley (currently housing the Mounted Patrol horses) be referred back to the Police Department so the guidance and counseling of the Police Chief can be requested in the matter of how some funds, up to and including \$60,000, might be found within the Police Department Budget to proceed with the capital part only (not operating or staffing) at Furley. Motion carried 7 to 0.
- carried
- Motion -- carried Pisciotte moved that the budget be modified in the amount of \$16,800 for car expenses. Motion carried 6 to 1. Lambke - No.
- Motion -- Rogers moved that \$50,000 funding, from the contingency account of the Convention and Tourism Fund, be made available for the Kansas African-American Museum. Motion failed 5 to 2. Cole, Gale, Martz, Pisciotte, Knight - No.
- failed
- Motion -- Knight moved that the public hearing be closed; the 2000 budget, including revisions, and the amendments to the 1999 adopted budget be approved; the joint agreements with Sedgwick County, including adjustments to the Community Health budget be approved; the use of local funds derived from property within the corporate limits for the Wichita State University Board of Trustees (Interlocal Agreement between the City and County) be approved; and the necessary signatures be authorized; and the Ordinance be placed on second reading and adopted. Motion carried 7 to 0.
- carried

ORDINANCE NO. 44-305

An Ordinance making and fixing general tax levy for the City of Wichita, Kansas, for the year beginning January 1, 2000, and ending December 31, 2000, and relating thereto, and concurrently approving certain amendments to the 1999 adopted budget, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

GILBERT AND MOSELY PUBLIC HEARING - TAX INCREMENT FINANCING DISTRICT #1 - GILBERT AND MOSELY.

Agenda Report No. 99-765.

TIF District #1 was established in August 1991 to fund the clean-up of groundwater contamination in the Gilbert and Mosley Redevelopment District. On July 27, 1999, the City Council authorized the publication of the hearing notice, and set the maximum ad valorem tax increment for the 2000 budget.

The proposed 2000 budget includes total expenditures of \$6,759,880; of this amount, remediation construction and implementation result in a capital outlay budget of \$4,004,000. Contractuals are budgeted at \$2,154,650 and include operations and maintenance costs incurred by the project's contractor, legal costs associated with identification of potentially responsible parties, and costs associated with oversight by the Kansas Department of Health and Environment and the Environmental Protection Agency. Other expenditures include debt service, salaries, and other staff costs such as telephone charges, sampling equipment and safety equipment. Contributions from potentially responsible parties are budgeted at \$1.3 million, special obligation (tax increment) bond proceeds are budgeted at \$4.3 million, and interest earnings estimated at \$30,610. The tax increment is set at its maximum level of \$1,200,000.

The tax increment for the 2000 budget cannot be increased because it has already been officially published, but the amount can be reduced by City Council action.

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Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Knight moved that the public hearing be closed; the 2000 budget of \$6,759,880 be approved; and Ordinance be adopted. Motion carried 7 to 0.

ORDINANCE NO. 44-306

An Ordinance making and filing an increment in ad valorem taxes for the Gilbert and Mosley site redevelopment District, City of Wichita, Kansas, for the fiscal year beginning January 1, 2000, and ending December 31, 2000, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

NIC

PUBLIC HEARING - TAX INCREMENT FINANCING DISTRICT #2 - NORTH INDUSTRIAL CORRIDOR.

Agenda Report No. 99-766.

TIF District #2 was established in March 1996 to fund the clean-up of groundwater contamination in the North Industrial Corridor Redevelopment District. On July 27, 1999, the City Council authorized the publication of the hearing notice, and set the maximum ad valorem tax increment for the 2000 budget.

The proposed 2000 budget includes total expenditures of \$1,626,830. Contractuals are budgeted at \$1,617,880 to pay the cost of the Remedial Investigation/Feasibility Study, legal costs, identification of potentially responsible parties (PRPs), and costs associated with oversight by the Kansas Department of Health and Environment and the Environmental Protection Agency. Other expenditures include administrative and testing costs such as telephone charges, vehicle usage for site monitoring, sampling equipment and safety equipment. Contributions from PRPs are budgeted at \$455,000, and interest earnings are estimated at \$11,030. The tax increment is set at \$850,000.

The tax increment for the 2000 budget cannot be increased because it has already been officially published, but the amount can be reduced by City Council action.

Following City Council action on the proposed budget, proper certification will be made of the adopted budget and the ad valorem tax increment in conformity with State law.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Knight moved that the public hearing be closed; the 2000 budget of \$1,626,830 be approved; and the Ordinance be adopted. Motion carried 7 to 0.

ORDINANCE NO. 44-307

An Ordinance making and filing an increment in ad valorem taxes for the North Industrial Corridor Redevelopment District, City of Wichita, Kansas, for the fiscal year beginning January 1, 2000, and ending December 31, 2000, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

CAP. IMPROVEMENT

CAPITAL IMPROVEMENT PROGRAM.

Steve Lackey

Director of Public Works reviewed the Item.

Agenda Report No. 99-767.

The proposed 2000 – 2009 Capital Improvement Program (CIP) represents the most aggressive public capital investment ever presented to the City Council and, when fully implemented, will have a significant impact upon community life. It was prepared by the Staff CIP Administrative Committee after Soliciting input and suggested needs from various departments, community organizations and agencies. The preparation of the CIP focused on responding to and anticipating community needs, using City funds to maximize and leverage other revenue sources, particularly Federal and State monies, and maximizing the number and scope of projects funded.

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Public input and comment is crucial to the CIP process. The CPO Councils, Neighborhood Associations, Metropolitan Area Planning Commission (MAPC), Traffic Commission, and other community and neighborhood groups had input - both at the beginning of the process, when needs and project requests were heard, and in the final phases - when all of the CPO's had the opportunity to give feedback on the proposed CIP. The MAPC has approved the proposed CIP as conforming to the Comprehensive Plan.

The proposed 2000 - 2009 CIP totals more than \$1.3 billion over ten years. Projects include new and reconstructed roadways, intersections, and sidewalks, freeways, parks, public facilities, infrastructure to support residential development, public transportation, downtown/core area development, and City enterprise operations (water, sewer, storm water, airport, and golf).

Some of the critical needs are addressed in many areas, including:

- ? Remediation of flooding in Cowskin/Calfskin Creek basins;
- ? Freeway interchanges on Kellogg at Woodlawn, Maize/Tyler, Greenwich, Rock, and Webb;
- ? Railroad grade separations on Pawnee and along the Central Rail Corridor;
- ? Completion of the Water Supply Plan;
- ? A new floodway crossing at 13th Street;
- ? Completion of the Northeast Sports Complex and Southlakes Park; and
- ? A new regional library in the south part of the City.

The proposed CIP is funded through several sources. The property tax (10 mills) comprises 16 percent of total resources. Local sales tax (LST) revenues fund 15 percent of the capital program, while enterprise revenues fund 27 percent. State and federal funding, much of it leveraged with local matching funds, makes up 25 percent of total resources. Finally, special assessments and other sources (such as County partnership on the Kellogg and Greenwich project) fund 9 percent and 7 percent, respectively.

It is proposed that the City Council authorize the 2000 and 2001 capital programs as part of the capital budgets for the two years, allowing design and other preparation actions to commence on the scheduled projects and grant applications to be filed for project financial support.

The 2000- 2009 CIP contains projects totaling an estimated \$1,302,599,000. The 2000 capital budget contains \$130,703,000, and \$148,355,000 is included in the 2001 capital budget.

The 2000- 2009 CIP conforms with the City's fiscal policies. Implementation of the proposed CIP should allow the City to maintain the current favorable general obligation bond ratings of Aa2 by Moody's and AA by Standard & Poor's.

As mandated by Ordinance 39-196, half of the revenue received from the City's portion of a one percent county-wide sales tax is pledged for road, bridge, and highway projects, including right-of-way acquisition and project design and construction.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard.

Duane Jones

Duane Jones, 1520 North Smith Circle, proposed a sweep I-beam bridge on 13th Street. This type of bridge would take up less room, require the taking of fewer homes, and create less of a bottle-neck than what has been proposed.

Bob Martin

Bob Martin, Executive Director of Wichita Presbyterian Manor, requested that the Council consider expanding the study of bridges to 21st, 25th, and 29th Streets. A 13th Street Bridge would do little to help the people on the west side.

Mr. Martin said there is also train traffic that bottle-necks 13th Street every day at 5:15 p.m.

Motion --
-- carried

Cole moved that the Item on 13th Floodway Bridge Study be changed to Floodway Bridge Study, and the Item on 13th Street Bridge be changed to Floodway Bridge. Motion carried 7 to 0.

Motion --
-- carried

Knight moved that the Capital Improvement Program, with the above changes, be approved and the projects scheduled for 2000-2001 be authorized subject to City Council approval. Motion carried 7 to 0.

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Motion -- carried Knight moved that the rules be set aside and two Items be taken up off the Agenda. Motion carried 7 to 0.

OFF AGENDA ITEMS BUSINESS INCENTIVE POLICY.

Motion -- Rogers moved that Staff be directed to change the Business Incentive Policy to reflect the changes (relating contracts and civil rights, employment opportunities, etc., and the use of minority-owned and women-owned business enterprises) that have been made in the IRB Policy. Motion carried 7 to 0.

-- carried

PROPOSED USE OF COASTAL REFINERY FOR A WRECKAGE AND SALVAGE YARD.

Council Member Rogers Council Member Rogers said the MAPC has approved a proposed use request from Coastal Refinery for a wreckage and salvage yard on their property near I-135. This matter needs in-depth consideration because there are some considerations that need to be looked at.

Motion -- Rogers moved that the proposed use be reviewed by the MAPC, taking into account the mitigating situations in this specific case, and then the matter be returned to the City Council. Motion carried 7 to 0.

-- carried

BID REQUIREMENTS AMENDMENT OF CHARTER ORDINANCE PERTAINING TO BID REQUIREMENTS.

Gary Rebenstorf Director of Law reviewed the Item.

Agenda Report. No. 99-768.

On February 28, 1995, the City Council adopted Charter Ordinance No. 158 which amended a previous charter ordinance pertaining to bidding requirements for certain types of City-financed construction projects. Included in the charter ordinance is the requirement that developers provide performance and labor and material bonds in amounts not less than the full amount of the construction contract. It is proposed that the charter ordinance be amended to create more flexibility in this provision.

The payment and performance bond requirement contained in Charter Ordinance No. 158 applies only to projects being financed with industrial revenue bonds (IRBs) and public improvement projects being constructed pursuant to development agreements between the City and private developers. The payment and performance bond requirement was lifted from the City's regulations governing the bidding of City construction projects, and is a provision that dates back many years. The best practices in the private sector have changed relating to sureties protecting construction projects from performance failures and mechanics' liens. It is now common to use letters of credit issued by financial institutions as an alternative to payment and performance bonds.

Letters of credit are considered to be superior due to their higher liquidity. In the event of a claim, it may take several months or even years to receive a settlement from a bond provider, whereas a letter of credit can be drawn upon with very little difficulty. It is also typical for the amount of the letter of credit to be a percentage of the full construction contract amount, typically between 15% and 35%. This is generally related to the maximum financial exposure at any given time, based on construction expenditure draw schedules.

The proposed amendment to the current charter ordinance replaces references to payment and performance bonds with the more generic term "surety" and allows the amount of the surety coverage to be determined by the City Council, on a case by case basis. In the case of IRBs, this can be done in the letter of intent, or in the developer agreement in the case of preferred developer projects.

A provision requiring a payment and performance bond in the full amount of the construction contract is also included in the City's IRB Policy. It is not proposed that this provision be changed at this time, because exceptions to the IRB Policy can be made more easily than a change to a charter ordinance, which requires a two-thirds vote and a 61-day protest period.

Mayor Knight Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion -- carried Cole moved that the Charter Ordinance be placed on first reading. Motion carried 7 to 0.

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CHARTER ORDINANCE

A Charter Ordinance amending and repealing Section 1 of Charter Ordinance No. 158 of the City of Wichita, Kansas, pertaining to exemptions from bid requirements, introduced and under the rules laid over.

HIGHWAY I-135 IMP. PROPOSED IMPROVEMENTS TO HIGHWAY I-135.

This Item was pulled from the Agenda.

CITY COUNCIL AGENDA

301 WEST 33RD SOUTH RESCINDING CITY COUNCIL ACTION REGARDING 301 WEST 33RD STREET SOUTH. **(REQUESTED BY COUNCIL MEMBER LAMBKE)**

Council Member Lambke Council Member Lambke explained that demolition had previously been delayed because a prospective buyer wanted to purchase the property; however, an agreement with the owner could not be reached.

Motion -- Lambke moved that the matter be deferred one week to allow Council Member Lambke time to contact the owner
-- carried of record and resolve the issue. Motion carried 7 to 0.

BOARD APPOINTMENTS BOARD/COMMISSION APPOINTMENTS.

Motion -- Gale appointed Juanita Swan (BZA), and Gary Wetzel (Codes Standards and Ap0peal and moved that the
-- carried appointments be approved. Motion carried 7 to 0.

Motion -- carried Lambke appointed Curt Miller (Traffic) and moved that the appointment be approved. Motion carried 7 to 0.

Motion -- carried Knight moved that Lambke's appointment be reconsidered. Motion carried 7 to 0.

Motion -- carried Lambke moved that the Traffic Commission appointment be deferred for future action. Motion carried 7 to 0.

TRAVEL APPROVAL COUNCIL MEMBER PISCOTTE AND SPOUSE'S TRAVEL TO TLALNEPANTLA, MEXICO. **SEPTEMBER 14-19, 1999, FOR OFFICIAL VISIT TO WICHITA'S SISTER CITY.**

Motion -- carried Knight moved that the travel expenditures be approved. Motion carried 7 to 0.

CONSENT AGENDA

Knight moved that the Consent Agenda be approved in accordance with the recommended action shown thereon.
Motion carried 7 to 0.

BOARD OF BIDS REPORTS OF THE BOARD OF BIDS AND CONTRACTS DATED AUGUST 9, 1999.

At 10:00 a.m. , Friday, August 6, 1999 , pursuant to advertisements published, bids were received, publicly opened, read aloud and tabulated for the Board of Bids and Contracts.

29th Street North, Amidon to Arkansas. (472-82647/706309/405212) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 3/18/97. (District VI)

Cornejo & Sons Construction - \$1,623,934.55

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Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Century II Music Hall Toilet Alterations. (791293)

Bauer & Son Construction Co. Inc. - \$53,807.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Asbestos Removal and Remodeling of Century II Service Club Room. (130559)

Asbestos Removal & Maintenance Inc. - \$84,062.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Sewer Line Replacement. (225516)

Wichita Excavation Inc. - \$ 9,000.00 (Group I/total net bid)
\$ 4,000.00 (Group II/total net bid)
\$11,000.00 (Group III/total net bid)

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Equus Beds Groundwater Recharge. (632067)

Clarke Well & Equipment, Inc. - \$37,487.00* (Total net bid)
*Plus applicable sales tax

PARKS DEPARTMENT/RECREATION DIVISION: Folding Chairs and Tables. (785725)

Bowlus School Supply Co. - \$7,062.75 (Group I/total net bid)
Palmer Snyder Furniture Company, Inc. - \$21,439.00 (Group II/total net bid)

VARIOUS DEPARTMENTS /N/A DIVISIONS: Kodak Film. (037200)

Color Craft Corp. - \$5.05 (Item 1/per roll)
\$6.04 (Item 2/per roll)
\$2.19 (Item 3/per roll)
\$2.85 (Item 4/per roll)
\$2.59 (Item 5/per roll)
\$3.14 (Item 6/per roll)
\$2.04 (Item 7/per roll)
\$3.01 (Item 8/per roll)
\$2.37 (Item 9/per roll)

GENERAL GOVERNMENT DEPARTMENT/PROPERTY MANAGEMENT DIVISION: Lawn Mowing, Trimming and Edging at Various Locations. (205021)

Cameron Lawn Service - \$600.00 (Redirect contract - effective 9/1/99)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

LICENSES

APPLICATIONS FOR LICENSES FOR ADULT ENTERTAINMENT ESTABLISHMENTS/SERVICES.

<u>New</u>	<u>Erotic Dance Studio</u>	
Antonio Johnson	The Adult Playground	15019 ½ West Hwy 54
<u>New</u>	<u>Escort Service</u>	
Aric Crosby	Abby's Adult Entertainment	333 East English

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Renewal

Adult Entertainment

David A. Cherry

Kansas Video Corp
dba Video Adventures

2726 North Amidon

Motion – carried

Knight moved that the licenses be approved subject to Staff approval. Motion carried 7 to 0.

LICENSES

APPLICATION FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES.

Renewal

1999

(Consumption off Premises)

Benjamin J. Schultz

T & E Oil Co., Inc.

3935 North Broadway

Motion – carried

Knight moved that the license be approved subject to Staff approval. Motion carried 7 to 0.

PLANS AND SPECS.

SUBDIVISION PLANS AND SPECIFICATIONS.

a. Lateral 431, Southwest Interceptor Sewer to serve The Legacy Addition - west of Meridian, south of MacArthur. (468-82997/743803/480491). Does not affect existing traffic. City Council approval date: 6/22/99. (District IV)

Motion --

-- carried

Knight moved that the Plans and Specifications be approved and the City Clerk be instructed to advertise for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., August 20, 1999. Motion carried 7 to 0.

PRELIMINARY ESTS.

PRELIMINARY ESTIMATES:

a. McLean Boulevard from Taft to Walnut, Phase IV - Sodding. (472-82586/706168/405170) Does not affect existing traffic. City Council approval date: 6/18/96. (District IV) - \$115,750.00

b. 1999 Sanitary Sewer Rehabilitation Program, Phase D (468-83006/620265/669390) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/99. (District I) - \$123,393.48

c. Shadow Lakes from the east line of Tyler to the west line of Pepper Ridge; High Point/Shady Lane from the south line of Shadow Lakes to the west line of Pepper Ridge; High Point Court from the west line of High Point to and including the cul-de-sac, serving Lots 26, 27 and 28, Block 1, and; sidewalks be constructed on the south side of Shadow Lakes from Tyler to the west line of Pepper Ridge, and constructed on the east and north sides of High Point/Shady Lane from the south line of Shadow Lakes to the west line of Pepper Ridge to serve Oak Ridge Second Addition - north of 29th Street North, east of Tyler. (472-82833/765581/490692) Does not affect existing traffic. City Council approval date: 7/15/97. (District V) \$295,500.00

d. West half of Lark from the south line of Park Glen Addition to the south line of Grand, and concrete sidewalk on the west side of Lark - north of Pawnee, west of Lark, Park Glen Addition; and Lark from the north line of Pawnee to the north line of Lot 7, Block 5 - north of Pawnee, west of Maize, Prairie Woods Second Addition. (472-82276/472-82936/764985/764977/490600/490599) Lark will be closed during construction. City Council approval date: 9/24/92, 4/14/98. (District V) \$201,600.00

Motion -- carried

Knight moved that the Preliminary Estimates be approved and filed. Motion carried 7 to 0.

PETITIONS

PETITIONS FOR PAVING, SANITARY SEWER AND WATER DISTRIBUTION SYSTEMS TO SERVE HARBOR ISLE SECOND ADDITION - EAST OF MERIDIAN, SOUTH OF 53RD STREET. (District VI)

Agenda Report No. 99-770.

The signature on the Petitions represents one owner that owns 100% of the improvement districts.

Harbor Isle 2nd Addition, a new single-family development, was platted in 1998. The developer has submitted new Petitions to modify the distribution of special assessments to reflect the variations in market value of the lots.

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There is no change to the project budgets.

Motion -- carried

Knight moved that the Petitions be approved and the Resolutions be adopted. Motion carried 7 to 0

RESOLUTION NO. R-99-297

A Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89272 (east of Meridian, south of 53rd North) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-298

A Resolution of findings of advisability and Resolution authorizing construction of Lateral 96, Sanitary Sewer No. 23 (east of Meridian, south of 53rd North) Project No. 468-82847, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-299

A Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer no. 517 (east of Meridian, south of 53rd Street North) Project No. 468-82916, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-300

A Resolution of findings of advisability and Resolution authorizing improving of Harborlight Street from the east line of Meridian to the south line of Lot 53, Block 2, and; Harborlight Courts serving Lots 1 through 6, Lots 11 through 22, Lots 25 through 35, and Lots 38 through 44, Block 2, Project No. 472-89251 (east of Meridian, south of 53rd Street North) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

PETITIONS FOR PAVING, SANITARY SEWER AND WATER DISTRIBUTION SYSTEMS TO SERVE EVERGREEN ADDITION - WEST OF MAIZE, NORTH OF 21ST STREET. (District V)

Agenda Report No. 99-771.

The signature on the Petitions represents one owner that owns 100% of the improvement districts.

Evergreen Addition, a new single-family development, was platted in 1998. The developer has submitted new Petitions to rephase the development to accommodate a change in the home sales rate.

The Petitions total \$1,087,100. The funding source is special assessments.

Motion -- carried

Knight moved that the petitions be approved and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-301

A Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89409 (north of 21st, west of Maize), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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RESOLUTION NO. R-99-302

A Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89410 (north of 21st , west of Maize), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-303

A Resolution of findings of advisability and Resolution authorizing construction of Lateral 436, Southwest Interceptor Sewer, (north of 21st, west of Maize), 468-83013, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-304

A Resolution of findings of advisability and Resolution authorizing construction of Lateral 437, Southwest Interceptor Sewer, (north of 21st, west of Maize), 468-83014, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-305

A Resolution of findings of advisability and Resolution authorizing improving of Parkdale, Central Park, Ryan, and Parkdale Courts, all in Evergreen Addition (472-83133), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight

RESOLUTION NO. R-99-306

A Resolution of findings of advisability and Resolution authorizing improving of Rutgers/Central Park; Rutgers/Ryan; Sterling; Central Park Court and Ryan Circle, all in Evergreen Addition (472-83134), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight

PETITION FOR SANITARY SEWER TO SERVE PART OF LOT 5, BLOCK 2, MEDITERRANEAN PLAZA ADDITION - NORTH OF 29TH STREET NORTH, EAST OF ROCK. (District II)

Agenda Report No. 99-772.

The Petition has been signed by one owner representing 100% of the improvement district.

This project will provide sanitary sewer service to a new retail business.

The estimated project cost is \$13,000. The funding source is special assessments.

Motion -- carried

Knight moved that the Petitions be approved and the Resolutions be adopted. Motion carried 7 to 0

RESOLUTION NO. R-99-307

A Resolution of findings of advisability and Resolution authorizing construction of Lateral 77, Main 22, War Industries Sewer, (north of 29th Street North, east of Rock), 468-83017, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Board of Park Commissioners (Special Meeting), 6-28-99
Board of Park Commissioners, 7-12-99
Board of Code Standards and Appeals, 7-7-99
CPO Northeast Council 1, 7-26-99
CPO East Council 2, 7-12-99
CPO Southeast Council 4, 7-22-99
CPO Southwest Council 4, 7-22-99
CPO Northwest Council, 7-28-99
Commission on the Status of People with Disabilities, 6-30-99
Metropolitan Area Planning Commission (MAPC), 4-29-99
Preservation Board, 6-14-99
Wichita Public Library, 7-20-99
Wichita-Sedgwick County Board of Health, 7-8-99
Wichita Traffic Commission, 4-19-99

Motion – carried

Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

STREET CLOSURE

STREET CLOSURE: BROADWAY FROM DOUGLAS TO KELLOGG. (District I)

Agenda Report No. 99-773.

The City has contracted with Ritchie Paving to reconstruct Broadway from William to Dewey. Work is scheduled to begin Monday, August 16th with the project open to full traffic movements by January, 2000 and project completion by May, 2000. The Contract requires the Contractor to maintain one lane of traffic flow in each direction on Broadway during construction. The streets crossing Broadway will remain open to traffic, but traffic flow on these streets may be restricted to one lane, one-way flow during times the intersection areas are under construction.

The Contractor is required to maintain access to the businesses in the construction area. A meeting was held August 9, 1999 to discuss the project phasing with those businesses directly affected by the street reconstruction. The Contractor is responsible for all construction signs and barricades.

Motion – carried

Knight moved that the street closure be approved. Motion carried 7 to 0.

WEAPONS

WEAPONS DESTRUCTION.

Agenda Report No. 99-774.

The Police Department has requested authorization to destroy several weapons which have been confiscated in criminal activity but are no longer needed as evidence.

City Code provides that weapons seized in connection with criminal activity shall be destroyed or forfeited to the Wichita Police Department. All transactions involving weapon disposal must have prior approval of the City Manager. A list of weapons being destroyed has been provided, and includes a total of 65 handguns and 27 long guns. The destruction of the weapons will be witnessed and monitored by Staff.

Motion -- carried

Knight moved that the list of weapons be received and filed. Motion carried 7 to 0.

CLAIMS ALLOWED

REPORT ON CLAIMS ALLOWED JULY, 1999:

<u>Name of Claimant</u>	<u>Amount</u>
Southwestern Bell	\$275.35*
Clysta Alapai	\$113.90
Thad W. Keehn	\$ 29.99
Paul Ray	\$269.80

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Joseph C. Wold	\$310.56
Connie Welch	\$127.41
Southwestern Bell	\$207.39
Kansas Gas Service	\$601.87
B. E. Dientsbach	\$47.66**

*This claim was denied in March, 1999; re-reviewed and allowed 7/20/99.

**No money paid out by the city; his water bill to be credited.

Motion -- carried

Knight moved that the report be received and filed. Motion carried 7 to 0.

KDOT AGREEMENT

WIDENING AND RECONSTRUCTING PAWNEE FROM ROCK ROAD TO WEBB ROAD. (District II)

Agenda Report No. 99-775.

The 1999 Capital Improvement Program includes widening and reconstructing Pawnee from east of Rock Road to Webb Road (CIP MS-9607), which was approved by the City Council on May 19, 1998.

The Kansas Department of Transportation (KDOT) has agreed to participate in the project funding. The City will take bids for the project. A City/State Agreement has been prepared.

Existing and future traffic volumes and development indicate the need for a four-lane roadway. Construction is expected to begin in late fall.

The estimated project cost is \$2,350,000. KDOT will pay 80 percent of the cost of construction and construction engineering. The funding source for the City share is General Obligation Bonds.

Motion --

-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

KDOT AGREEMENT

WIDENING AND RECONSTRUCTING WEBB ROAD, FROM PAWNEE TO HARRY. (District II)

Agenda Report No. 99-776.

The 1999 Capital Improvement Program includes widening and reconstructing Webb Road from Pawnee to south of Harry (CIP MS-438), which was approved by the City Council on May 19, 1998.

The Kansas Department of Transportation (KDOT) has agreed to participate in the project funding. The City will take bids for the project. A City/State Agreement has been prepared.

Existing and future development to this area indicate the future need for a four-lane arterial pavement to replace the existing two-lane roadway. Construction is expected to begin in late fall.

The estimated project cost is \$2,350,000. KDOT will pay 80 percent of the cost of construction and construction engineering. The funding source for the City share is General Obligation Bonds.

Motion --

-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

FOREST LAKES

AGREEMENT FOR DESIGN SERVICES FOR FOREST LAKES WEST ADDITION - NORTH OF 29TH STREET NORTH, EAST OF TYLER. (District V)

Agenda Report No. 99-777.

The City Council approved the Forest Lakes West Addition plat on September 23, 1997.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond financed improvements in the Forest Lakes West Addition. Per Administrative Regulation 7a, staff

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recommends the selection of PEC because PEC provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$25,700, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

WATER DIST. SYSTEM AGREEMENT FOR DESIGN SERVICES FOR WATER DISTRIBUTION SYSTEM - SOUTH OF MAPLE, WEST OF 135TH STREET WEST. (District V)

Agenda Report No. 99-778.

The City Council approved the project on June 8, 1999.

The proposed Agreement between the City and Savoy, Ruggles & Bohm, P.A. (SRB) provides for the design of Water Distribution System No. 448 89376. The Staff Screening & Selection Committee selected SRB for the design on July 14, 1999.

Payment will be on a lump sum basis of \$17,280, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

PAWNEE SUPPLEMENTAL AGREEMENT FOR DESIGN SERVICES FOR PAWNEE, ROCK ROAD TO WEBB; WEBB, PAWNEE TO HARRY. (District II)

Agenda Report No. 99-779.

On January 26, 1999, the City Council approved Agreements with Mid-Kansas Engineering Consultants, Inc. (MKEC) to design Pawnee, from Rock Road to Webb; and Webb, from Pawnee to Harry.

The proposed Supplemental Agreement between the City and MKEC provides for engineering services to extend water mains and relocate several fire hydrants.

Payment to MKEC for Supplemental Agreement will be made on a cost plus percentage of cost basis and not to exceed \$11,360. The funding source is General Obligation Bonds.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

INTERCEPTOR SEWER AGREEMENT FOR DESIGN SERVICES FOR LATERAL 88, MAIN 1, SOUTHWEST INTERCEPTOR SEWER - ALONG BROADWAY, NORTH OF MACARTHUR. (District III)

Agenda Report No. 99-780.

The City Council approved the project on March 2, 1999.

The proposed Agreement between the City and Savoy, Ruggles & Bohm, P.A. provides for the design of Lateral 88, Main 1, Southwest Interceptor Sewer. The Staff Screening & Selection Committee selected SRB for the design on July 14, 1999.

Payment will be on a lump sum basis of \$20,150, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

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COWSKIN I.S.

AGREEMENT FOR DESIGN/BUILD SERVICES FOR COWSKIN INTERCEPTOR SEWER - SANITARY SEWER ALONG THE EAST BANK OF COWSKIN CREEK, NORTH OF KELLOGG. (District V)

Agenda Report No. 99-781.

On June 1, 1999, the Staff Screening and Selection Committee selected Wildcat Construction Company, Inc. to design and repair, reconstruct or rehabilitate several manholes at the confluence of Southwest Interceptor Sewer and Main 1, Cowskin Interceptor Sewer (CIP No. S-4). An Agreement has been prepared.

Reconstruction and/or rehabilitation of the sanitary sewer collection system to prohibit inflow and infiltration and to prevent system failures.

Payment will be on a lump sum basis of \$166,589 and will be paid by Operating Revenues.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

CENTRAL

AGREEMENT FOR CENTRAL, BIG DITCH TO WOODCHUCK. (District V)

Agenda Report No. 99-782.

Central and Ridge Road was included in the 1999 Capital Improvement Program as part of the Arterial Corridor Program (CIP No. MS-208011), which was approved by the City Council on May 19, 1998.

The Kansas Department of Transportation (KDOT) has agreed to participate in the project funding. The City will take bids for the project. A City/State Agreement has been prepared. Construction is expected to begin in late spring.

Improvements are needed to improve traffic carrying capacity and to increase safety.

The estimated project cost is \$3,850,000. KDOT will pay 80 percent of the cost of construction and construction engineering. The funding source for the City share is General Obligation Bonds.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

CENTER OF HOPE

CONTRACT WITH CENTER OF HOPE - EMERGENCY SHELTER.

Agenda Report No. 99-783.

The 1999 Consolidated Plan as approved by the City Council included allocations for the Emergency Shelter Grant program. The allocations included funds for several homeless service agencies for operating costs of emergency shelters; essential services aimed at assisting homeless persons return to permanent living situations, and funds to prevent families from becoming homeless.

Center of Hope is operating a homeless prevention project in the form of rent assistance payments for individuals or families who have received an eviction notice because of a sudden reduction of income. The assistance must be necessary to avoid eviction of the family and there must be a reasonable prospect that the family will be able to resume rent payments with a reasonable amount of time. These funds will provide assistance for a minimum of 62 families. The total cost of the project is \$21,964.

The contract is for \$21,964. The funds are provided under the Stewart B. McKinney Homeless assistance Act through the U.S. Department of Housing and Urban Development. The required match will be provided by Center of Hope.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

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WICHITA TRANSIT

CHANGE ORDER - WICHITA TRANSIT, MAINTENANCE FACILITY CONSTRUCTION. (District I)

Agenda Report No. 99-784.

Approximately 12,000 cubic yards of excavated soils of heavy oil range total petroleum hydrocarbons (TPH) impacted soil have been stockpiled on the construction site at 777 East Waterman. Camp Dresser & McKee Inc. recommends a local land farming operation, which entails transporting the excess soils to the Public Works Northeast Maintenance Substation. The land farming project would be conducted in accordance with the KDHE Bureau of Waste Management (BWM) Land Farming Program in accordance with the Solid Waste and Hazardous Waste exemption from Permit Requirements (K.S.A. 65-3407c).

On May 25, 1999, the City Council approved a Contract with Camp Dresser & McKee Inc. to provide environmental engineering and consulting services to support the Public Works Department in conducting the land farming operation. Their services include the following:

1. Prepare the land farming operation and closure plans for submittal to KDHE, BWM for approval. Coordinate with KDHE, BWM to secure permits for the City to operate a land farm to remediate TPH impacted soils.
2. Prepare technical specifications for the proper handling and transportation of the soils to the land-farming site for inclusion into a City prepared bidding package.
3. Conduct the closure sampling and reporting as specified in the closure plans to secure KDHE, BWM acceptance.

On July 20, 1999, KDHE, BWM approved the land farming operation and closure plans as submitted by Camp Dresser & McKee, Inc.

The total cost of the Change Order is \$133,208.48 broken out as follows:

- ? The cost to load and haul approximately 12,000 cubic yards of excavated soils to the Public Works Northeast Maintenance Substation is \$73,800.
- ? The cost to regrade and reseed the area where the soils have been stockpiled, north of the construction site is \$12,400
- ? The cost to provide concrete paving at the southwest corner of the property to re-align the south entrance into the site is \$42,214.
- ? The remaining \$4,794.48 is an accumulation of adds and deducts over the past 10 months of construction.

The project has a remaining balance of \$212,657.

Motion --
-- carried

Knight moved that the Change Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

BUDGET ADJUSTMENT BUDGET ADJUSTMENT - PROPERTY MANAGEMENT.

Agenda Report No. 99-785.

The Property Management Special Revenue Fund is a self-sustaining special revenue fund. The management and maintenance of non-project related City properties is paid for from this fund. Some of these properties include the City Hall Parking Garage, the Eaton Hotel, the Farm and Art Market and Victoria Park apartments.

When the 1999 budget was adopted, it did not envision the vacation and subsequent costs for the Family Inns property. Based on operating costs to date, an additional \$65,000 is required to offset costs associated with management and marketing of the Family Inns property. This includes taxes of approximately \$15,000 not paid by the prior lessee and \$50,000 to offset other operating costs.

Property Management's contingency account contains sufficient funds to meet the needs noted above. Total funds required at this time total \$65,000.

Motion -- carried

Knight moved that the budget be approved. Motion carried 7 to 0.

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TRANSFER OF FUNDS TRANSFER OF FUNDS – WATER AND SEWER DEPARTMENT.

Agenda Report No. 99-786.

In December 1992, the City Council approved an ordinance to fund a Centerline Geographic Information System (GIS) Pilot Project. On August 31, 1993, the City Council approved a project to amend the Centerline Pilot Project to include the purchase and delivery of a digital orthophoto image database from the pilot project contractor, M. J. Harden Associates. On May 13, 1997, the City Council approved a contract with Western Air Maps, Inc., for \$150,000 to provide updated aerial photography and digital orthophotos. Western Air Maps has completed the series of photos and submitted the final invoice.

When the agreement was made with Western Air Maps, no allowance was made for payment of compensating use tax. The work was completed before this was discovered; therefore, additional budget of \$7,500 is needed to pay the final invoice and any additional compensating use tax.

The original budget for this project (CIP W-599) was \$150,000. The amount needed can be transferred from Replacement and Rehabilitation of Unidentified Mains (CIP W-65) with no increase in the total CIP budget. A reallocation of budget authority is the only requirement. The Finance Department has concurred with this estimate and source of funds for the transfer

Motion --
-- carried

Knight moved that the transfer of \$7,500 from CIP W-65 to CIP W-599 for payment of compensating use tax be approved. Motion carried 7 to 0.

AIRPORT PROJECT CAPITAL PROJECT - WICHITA AIRPORT AUTHORITY: JABARA APRON AND TAXIWAYS.

Agenda Report No. 99-787.

The project is Jabara Apron and Taxiways (510065) and represents site improvements to the Taxiway L development area at Colonel James Jabara Airport subject to further action and approval by the Authority. The design phase of this project was initiated by the Authority on August 18, 1997 and by the City Council on August 26, 1997. The construction phase was initiated by the Authority on June 7, 1999 and amended on July 6, 1999. The construction phase was initiated by the City Council on June 15, 1999 and amended on July 13, 1999. The initiation was increased by the Authority on August 2, 1999. The project has been included in a Capital Improvement Program of the City of Wichita. Details regarding the project are disclosed in the attached Project Finance Proposal.

The previously initiated amount is being increased to reflect the final utility extensions and engineering services related to the construction of site improvements to the Taxiway L development area. Two hangars are currently being constructed by tenants in this area. The maximum permanent financing term for this project would be 15 years. This action approves only the intent to use City of Wichita bonding authority in the future and does not specifically authorize the issuance of debt nor does it preclude the use of any substitute funding source.

The estimated maximum debt to be incurred, based on the best present information, is \$357,000 (an increase of \$22,000).

Motion -- carried

Knight moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-308

A Supplemental Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by, the making of certain capital improvements to the Colonel James Jabara Airport Facility operated by the Wichita Airport Authority of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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AIRPORT PROJECT

CAPITAL PROJECT - WICHITA AIRPORT AUTHORITY: HIGH VOLTAGE CABLE REPLACEMENT

Agenda Report No. 99-788.

The project is High Voltage Cable Replacement (500389) and represents a three-phase improvement that will be made to Mid-Continent Airport subject to further action and approval by the Authority. Phase I of this project was initiated by the Authority on January 6, 1997 and amended on May 19, 1997. Phase I was initiated by the City Council on January 14, 1997 and amended on June 3, 1997. Phase II of this project was initiated by the Authority on November 17, 1997 and amended on August 17, 1998 and June 7, 1999. Phase II was initiated by the City Council on December 9, 1997 and amended on August 25, 1998 and June 15, 1999. Phase III was initiated by the Authority on August 2, 1999. The project utilizes partial funding from Passenger Facility Charges. The project has been included in a Capital Improvement Program of the City of Wichita. Details regarding the project are disclosed in the attached Project Finance Proposal.

The previously initiated amount is being increased to reflect the construction portion of the final phase of this project. The maximum permanent financing term for this project would be 15 years. Passenger Facility Charge collections have been approved to fund the eligible portions of this project. A rate structure exists that provides for partial cost recovery of non-PFC eligible amounts over the financing term. This action approves only the intent to use City of Wichita bonding authority in the future and does not specifically authorize the issuance of debt nor does it preclude the use of any substitute funding source.

The estimated maximum debt to be incurred, based on the best present information, is \$831,400 (an increase of \$322,000).

Motion -- carried

Knight moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-309

A Supplemental Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by, the making of certain capital improvements to the Wichita Mid-Continent Airport Facility operated by the Wichita Airport Authority of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

AIRPORT PROJECT

CAPITAL PROJECT - WICHITA AIRPORT AUTHORITY: EQUIPMENT-GLYCOL STORAGE AREA

Agenda Report No. 99-789.

The project is Equipment-Glycol Storage Area (500660) and represents improvements that will be made to Mid-Continent Airport subject to further action and approval by the Authority. This project was initiated by the Authority on November 2, 1998 and by the City Council on November 17, 1998. The initiation was increased by the Authority on August 2, 1999. The project has been included in a Capital Improvement Program of the City of Wichita. Details regarding the project are disclosed in the attached Project Finance Proposal.

The previously initiated amount is being increased to reflect the more complete scope of the project as defined when the plans and specs were revised. The maximum permanent financing term for this project would be 15 years. This project was determined to be ineligible for Passenger Facility Charge (PFC) funding but a rate structure exists that provides for specific cost recovery on this project over the financing term. This action approves only the intent to use City of Wichita bonding authority in the future and does not specifically authorize the issuance of debt nor does it preclude the use of any substitute funding source.

The estimated maximum debt to be incurred, based on the best present information, is \$292,400 (an increase of \$174,400).

Motion -- carried

Knight moved that the Resolution be adopted. Motion carried 7 to 0.

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RESOLUTION NO. R-99-310

A Supplemental Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by, the making of certain capital improvements to the Wichita Mid-Continent Airport Facility operated by the Wichita Airport Authority of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

POLICE HELICOPTER HELICOPTER ENGINE - POLICE DEPARTMENT.

Agenda Report No. 99-790.

On July 8, 1997, the City Council authorized the Mayor to sign the necessary documents to accept the 1997 Local Law Enforcement Block Grant from the U.S. Department of Justice. The 1997 Block Grant budget approved by City Council includes funding for the purchase of two Lycoming helicopter engines for the Police Air Section. On July 13, 1999, the City Council approved competitive sealed bid #104-8-8, which provides for the purchase of one engine from Airparts Company, Inc. On July 14, 1999, a purchase order was issued, and acquisition of the initial Police helicopter engine was initiated.

Based on the response of the initial competitive bid, the Police Department would like to purchase a second Lycoming engine budgeted under the 1997 Local Law Enforcement Block Grant. Airparts Company, Inc. was the lowest-price respondent in the recent competitive bid, of which eight vendors were solicited for a response.

The Lycoming helicopter engine will cost \$45,931.90, with a returnable core exchange of \$10,350, if provided. There are sufficient funds remaining in the 1997 Local Law Enforcement Block Grant to cover this budgeted expense.

Motion --
-- carried

Knight moved that the purchase be approved and the necessary signatures be authorized. Motion carried 7 to 0.

STREET IMP. STREET IMPROVEMENT - WICHITA, DEWEY TO LEWIS. (District I)

Agenda Report No. 99-791.

The Capital Improvement Program includes a project to reconstruct Wichita Street, from Dewey to Lewis page 12).

Wichita Street is bounded by the Boathouse on the west and the City Arts Building on the east. It is the intent to construct this street to be compatible to adjacent facilities (i.e. Boathouse, Visitors Center and CityArts) for multiple uses and travel. Decorative lighting and landscaping will be installed as part of the project.

The project budget is \$390,000. The funding source is General Obligations Bonds.

Motion --
-- carried

Knight moved that the project be approved; the Ordinance be placed on first reading; and the Staff screening and selection committee be authorized to select a design engineer. Motion carried 7 to 0.

ORDINANCE

An Ordinance declaring Wichita Street, from Dewey to Lewis (472-82938) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

PROPERTY ACQ. ACQUISITION OF 537 SOUTH MAIN AND EAST BANK OPPORTUNITY PURCHASE. (District I)

Agenda Report No. 99-792.

The property located at 537 S. Main (Lots 105, 107, 109, Main Street, Greiffenstein's Third Addition to the City of Wichita, Sedgwick County, Kansas) has been listed for sale at \$479,000. This property is owned by Alberts Investment Company and is currently vacant. The property is located on the northwest corner of Main and Dewey

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directly north of the Gateway sculpture. The site contains 21,300 square feet of land with a 12,539 sq. ft. office/distribution/warehouse facility and 9,050 sq. ft. of paved parking. The building has 3,291 square feet of first floor office space with 1,024 sq. ft. of finished basement office space and 7,200 square feet of warehouse area.

The property had been appraised for \$400,000 in 1992. This amount was offered to the owner and rejected. The property was appraised by the owner at \$451,000 in April of 1999. The owner has agreed to sell for a negotiated value of \$360,000.

A budget of \$370,000.00 is requested. This includes \$360,000 for the acquisition and \$10,000 for closing costs, title insurance and other costs associated with the acquisition of this property. Funds are available from the East Bank Capital Improvement Program.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

A 99-24 RESOLUTION

A 99-24 AMENDING RESOLUTION.

The Resolution amends Resolution No. R-99-295 and establishes a public hearing date on October 12, 1999, at the Heartsprings Conference Center, 8700 East 29th North, Wichita, Kansas.

Motion -- carried

Knight moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-311

A Resolution amending Resolution No. R-99-295 declaring an interest in, and establishing a public hearing date for considering the unilateral annexation of property located west of Webb Road and south of 45th Street North to the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

ORDINANCE

SECOND READING ORDINANCE: (FIRST READ AUGUST 3, 1999)

- a. DR 99-3 - proposed amendments to the Unified Zoning Code concerning minimum lot size requirements in certain rural zoning districts and other "clean up" amendments.

ORDINANCE NO. 44-308

An Ordinance providing amendments to Section I.E.; Section I.I.; Section III.B.2.d. (1).; Section III. B.2.e. (1).; Section III. B. 3.d. (1).; Section III. B.3.e. (2).; Section III.B.10.; Section III. C.2.b. (3); Section III.c.3.e. (1).; Section III.D.6.a.; Section III.D.6.m.; Section III.D.6.y. (3); Section III.E.2.e. (1). (k).; Section III.E.2.e. (4).; Section IV.B.4.; Section IV.E.6.; Section IV. E. 7.h; Section V.I.2.; Section VII.B.2.; Section VIII.F.1. and portions of the Use Regulations Schedule in Section III.D. of the Wichita-Sedgwick County Unified Zoning Code, (June 19, 1997, Edition), as adopted by reference in City of Wichita Code Sec. 28.04.010, as amended by Ordinance 43-659, Ordinance 43-721, and Ordinance 44-098, dealing with numerous "clean-up" Amendments thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. (DR 99-3)

- b. Acquisition of property N/E Tyler Road/K-42.

ORDINANCE NO. 44-309

An Ordinance determining the necessity for acquiring certain real property and providing that the cost of said acquisition shall be paid by the City of Wichita, Kansas, at large through the issuance of general obligation bonds of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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PLANNING AGENDA

Marvin Krout Director of Planning stated that Items 30 and 32 could be considered as consensus Items unless the Council desired to withhold other items.

Motion -- Knight moved that Planning Agenda Items 30 and 32 be approved as consensus Items.
-- carried Motion carried 7 to 0.

L/S 1005

STREET IMPROVEMENT AGREEMENT FOR L/S 1005 LOCATED ON BUNKER HILL DRIVE, NORTH OF 31ST STREET SOUTH. (District III)

Agenda Report No. 99-793.

The no protest Agreement for the paving of Bunker Hill Drive was required for the approval of a Lot Split (L/S 105) for Lot 2, Block 2, Washington Heights Fifth addition. The Lot Split will allow for the development of self-storage warehousing. This Agreement assures the City that this property will be included in the improvement district for paving of Bunker hill Drive and that the owners have waived their right to protest the paving.

Motion -- Knight moved that the Agreement/Contract(s) be approved and the necessary signatures be authorized. Motion
-- carried carried 7 to 0.

(Item No. 31)

CU-526

CU-526 - REQUEST FOR CONDITIONAL USE TO ALLOW CORRECTIONAL PLACEMENT RESIDENCE ON ONE ACRE, LOCATED NORTH OF CENTRAL AND WEST OF CHAUTAUQUA. (District I)

Marvin Krout Director of Planning reviewed the Item.

Agenda Report No. 99-794.

MAPC Recommendation: Deny the request. (13-0)
Staff Recommendation: Deny the request.
CPO Recommendation: Deny (8-0).

The applicant is requesting a Conditional Use permit to allow a correctional placement residence on property zoned "LC" Limited Commercial located north of Central and west of Chautauqua. A portion of the property is zoned "TF-3" Two-family but would be limited to a parking lot through a BZA use exception approved in 1980 for ancillary parking.

Correctional placement residences are permitted "by-right" in areas zoned "LC", as well as other commercial and industrial districts, except when the property is located within 750 feet from a residential zone (unless it is separated by a major barrier). In this case, a correctional placement residence requires a Conditional Use permit.

The existing facility is located in a City-owned building at 1137 North Broadway and has to be relocated because they lost their lease. The applicant has stated that there will be a total of 33 (24 men and nine females) persons at this location, with all individuals being federal pretrial or pre release inmates. The applicant has stated that as a rule, "no individuals at this location would be convicted of violent crimes." All individuals would be required to be in the building by 9 p.m. unless at work. The only place for individuals to be outside of the building is a small smoking area north of the main building, which has a camera on it at all times. No persons would be permitted to loiter in the neighborhood.

There is currently a vacant 6,992 square foot building located along Central with 16 parking spaces to the west of this building. The site would have one opening to Central and would be connected to four lots along Chautauqua. These four lots along Chautauqua consist of an existing home and 22 parking spaces. A six foot tall fence is located along west and north property lines on these four lots. The applicant's site plan shows two openings to Chautauqua, one of these will be constructed if approved.

The Unified Zoning Code requires correctional placement residences, general to provide one parking space per occupant plus one parking space. Therefore, the applicant would be required to provide 34 parking spaces. The site plan shows a total of 37 parking spaces. Therefore, the applicant would meet the Unified Zoning Code parking requirement.

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There are commercial properties to the east, south and west of the application area zoned "LC" Limited Commercial. North of the property are single family homes zoned "SF-6." There is a child care center located northwest of this property on Erie.

At the July 12th CPO hearing, the applicant presented the request. Several neighbors and business owners spoke in opposition to the request. They voiced concerns about a) the facility "doesn't fit" the neighborhood; b) businesses will be negatively impacted; c) patrons of businesses and also neighbors will feel unsafe; d) there are other preferable locations for this type of facility; and e) the facility would negatively change the perception of the public. The Elm Neighborhood Association submitted a petition containing 85 signatures in opposition to the request. After hearing this opposition, the CPO council voted 8-0 to recommend denial of this request. The CPO also voted to ask the City to lower the current Halfway House \$1,000 per month rent, and return the original one dollar per month agreement; and requested the City assist the Halfway House with relocation.

At the July 15th MAPC hearing, the applicant presented the request. Several neighbors spoke in opposition to the request, and voiced the same concerns as at the CPO hearing. After discussion, the MAPC voted unanimously to recommend denial of this request, noting that this particular operator may have an excellent record, but zoning decisions can only regulate land use and not specific operators.

After the MAPC hearing, the applicant appealed their decision to the City Council. In his letter (attached), the applicant states that the East Central neighborhood should not be more sensitive to the introduction of this use than the North Broadway neighborhood where the use has been well accepted.

There have been protest petitions filed which exceeds 20 percent of the notification area. This will require six City Council votes to override the protests and approve this Conditional Use request.

Mayor Knight momentarily absent with Vice Mayor Rogers in the Chair.

Council Member Rogers	<p>Council Member Rogers said the whole matter boils down to what we do not want around us but little to do with reality and/or facts.</p> <p>These programs are necessary and a great effort has been made to locate them all over the City and not just in one district.</p>
Motion --	<p>Rogers moved that the City Council override the recommendation of the MAPC and grant the request for Conditional Use, and the proposed conditions in the Staff Report be adopted.</p>
Mayor Knight	<p>Mayor Knight inquired as to why advantage had not been taken of property located on Washington in the industrial area.</p>
Alan McGregor	<p>Alan McGregor, applicant, responding to questions, said they were not aware of adequate property in the area. If it is property 4,000 square feet in size, that would not be sufficient. The property in the request is 7,000 square feet.</p> <p>Three to five percent of the clientele are pre-trial clients. Usually, there is only one person at a time who is a pre-trial client. The pre-trial clients are there for the same type of non-violent crimes as the remainder of the clientele, and most of them are there for drug related problems.</p> <p>If there are more than 24 clients, there are two staff members in addition to twelve other staff on site. The supervisors must meet the Bureau of Prisons background and be cleared by the FBI background check. The least amount of time of the current employees is about three years.</p>
Mayor Knight	<p>Mayor Knight said he hoped, if discretion is allowed, the time be shortened to one year rather than the five years.</p>
Gary Rebenstorf	<p>Director of Law said the legal system has said five years is reasonable. There is a risk of litigation in issues of less than five years.</p>
Council Member Lambke	<p>Council Member Lambke said the recommendations of the Staff, CPO, and MAPC were overwhelmingly for rejection of the request and that he would have to support the neighborhood.</p>
Alan McGregor	<p>Alan McGregor, answering a question regarding the type of persons living at the facility, said he could absolutely, unequivocally assure that the facility does not house violent individuals. Mr. McGregor said he could be held accountable for that assurance.</p>

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-- carried

Motion carried 6 to 1. Lambke - No.

(Later in the meeting this Item was reconsidered. Action is shown below.)
(Council Members Lambke, Martz; absent)

Motion --
-- carried

Rogers moved that the Council reconsider Item No. 31, request for conditional use to allow a correctional placement facility, north of Central and west of Chautauqua. Motion carried 5 to 0. (Lambke, Martz; absent)

Motion --
-- carried

Rogers moved that the City Council rescind the previous action, which was to approve the conditional use, and defer any action for one week to further evaluate the conditional use. Motion carried 5 to 0. (Lambke, Martz; absent)

(Council Members Lambke, Martz; present)

A 99-14

A 99-14 - REQUEST THE ANNEXATION OF PROPERTY GENERALLY LOCATED AT APPROXIMATELY ½ MILE WEST OF MERIDIAN AVENUE AND ¼ MILE NORTH OF 55TH STREET SOUTH TO THE CITY OF WICHITA, KANSAS. (District IV)

Agenda Report No. 99-795.

This property is located north of 55th Street South, on the east side of West Street, consists of approximately 12.4 acres and abuts the City to the north. The final plat for this property was approved by the City Council on February 23, 1999 (S/D 98-21 Deer Creek Estates 2nd Addition). The property owner is planning to develop the property with single family homes.

Land Use and Zoning: The site consists of four (4) undeveloped contiguous tracts of land zoned "SF-20" Single Family Residential. Land to the north, south, east and west of the site are also zoned "SF-20" Single Family Residential, with a small area at the southeast corner of 47th Street South and West Street zoned "LC" Light Commercial.

Public Services: Although the City of Wichita has no plans in the 1998-2007 City C.I.P. to serve this area, the City Water and Sewer Department indicates that there are 12 inch water mains along Meridian Avenue from 47th Street South to 55th Street South and along 47th Street South, from Meridian to a point ½ mile west of Meridian Avenue. As for sewer, the applicant has submitted 100% petitions for City sanitary sewer, but will utilize on-site sewage systems (combination of septic tanks and lagoons) until such time the City provides sewer service.

Street System: The area proposed for annexation currently has access to West Street, a two-lane improved section line road built to the county standard (asphalt with open ditches), which serves the area as the nearest major north-south road. The site is also less than a ¼ mile north of 55th Street South, a two-lane asphalt road with open ditches, which serves as the nearest major east-west road. Currently, there are no plans to improve 55th Street South or that portion of West Street in the City of Wichita 1998-2007 C.I.P.

Public Safety: The Wichita Fire Department can serve this site with a nine (9) to ten (10) minute approximate response time from City Station #19 located at 600 W. MacArthur Road and a nine (9) to ten (10) minute approximate response time from County Station #34 located at 3914 W. 71st Street South. Upon annexation, police protection will be provided to the area by the Patrol South Bureau of the Wichita Police Department, headquartered at 211 E. Pawnee.

Parks: South Lakes Park, a 248 acre regional park is located approximately one (1) mile to the east of property. The park may be accessed through entrances located off Meridian. This contains a variety of recreational opportunities.

School District: The property is located in Unified School District 261 (Haysville School District). Annexation will not change the school district.

Urban Growth Area & Policy 32: The property is located within the Policy 32 urban service area and within the urban growth area of the City of Wichita as shown in the 1996 amended Wichita-Sedgwick County Comprehensive Plan.

Due to the recent subdivision of Deer Creek Estates Second Addition, information regarding appraised value is not available.

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Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Knight moved that the annexation request be approved and the annexation Ordinance be placed on first reading.
Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. (A 99-14)

RECESS

The City Council recessed at 11:15 a.m. and reconvened at 7:00 p.m.

The City Council met in recessed session at the East Point Church of Christ, 747 N. 127th Street East. Mayor Knight in the chair. Council members Cole, Gale, Pisciotte, Rogers; present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; and Pat Burnett, City Clerk; present.

Wichita, Kansas, August 10, 1999
Tuesday, 7:00 p.m.

A99-10

A99-10 - ANNEXATION OF LAND GENERALLY LOCATED EAST OF K-96 HIGHWAY, BETWEEN 21ST STREET NORTH AND 13TH STREET NORTH. (District II)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-769.

On June 8, 1999, the City Council adopted a resolution that on August 10, 1999 at 7:00 p.m. at the East Point Church of Christ, 747 N. 127th Street East, Wichita, Kansas, as the time and place for a public hearing for this annexation. The areas that are proposed for annexation are located east of K-96 Highway, between 21st Street North and 13th Street North.

This is the second phase of a two-phase annexation. The first phase was officially approved January 29, 1999 and brought 312 acres into the City. The subject area of this annexation consists of approximately 34 acres and eight unplatted properties. The land-use pattern consists of two (2) residential tracts, four (4) farm related tracts, one (1) commercial tract and one (1) exempt tract designated as part of a cemetery. The majority of the area is zoned "SF-20" Single-Family Residential with a portion of the Lake View Gardens Cemetery zoned "LC" Limited Commercial. Those areas zoned "SF-20" will convert to the "SF-6" Single-Family Residential district upon annexation.

An informational meeting regarding the proposed annexation was held on June 24, 1999 at the East Point Church Christ, 747 N. 127th Street East. No citizens attended the meeting.

In accordance with Kansas statutes, a Service Extension Plan was prepared for this unilateral annexation. The plan describes the means by which City services will be extended to the area.

The total appraised value of the land and improvements proposed for annexation is \$1,590,450 resulting in an annual City Ad Valorem tax revenue of approximately \$5,831. Major municipal services to be provided to this area upon annexation are street maintenance, ditch cleaning, culvert cleaning, fire protection, police protection, building code enforcement, and health code enforcement. The operating departments currently delivering these services will fund them upon annexation. Major municipal services, such as local street improvements, water and sewer service, may be provided to this area upon request of the property owners. The cost of municipal services requested by the property owners will be distributed among the City at large and the benefiting property owners according to current City policies.

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The Service Extension Plan has been on file for public inspection in the Office of the City Clerk. Copies of the resolution establishing the public hearing, a map (showing the properties included) and a notice of the public hearing, were sent by certified mail to all property owners of record in the proposed annexation area and to other established governmental entities and utility services. Copies of the resolution and map have also been published in the official City newspaper as further notification of the scheduled public hearing.

The Metropolitan Area Planning Commission reviewed the proposed annexation for compatibility with the Comprehensive Plan on June 24, 1999. The staff report presented at the MAPC meeting indicated that the proposed annexation was in conformance with the Comprehensive Plan. The MAPC found the proposed annexation in conformance with the Comprehensive Plan by a unanimous vote (12-0).

In conducting the public hearing, Kansas statutes require that the City's plan for extending major municipal services be presented and that all persons interested in the annexation be heard. After hearing all comments of the persons interested, the City Council has the option of continuing or closing the public hearing, and approving or rejecting the annexation proposal..

Motion --
-- carried

Knight moved that the annexation request be approved and the annexation Ordinance be placed on first reading. Motion carried 5 to 0. (Lambke, Martz; absent)

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. (A 99-10)

(The Council returned to Item No. 31 - CU-526 for reconsideration. Action is shown with the Agenda Item.)

ADJOURNMENT

The City Council meeting adjourned at 7:10 p.m.

Pat Burnett CMC
City Clerk